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Penna. Ave.

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Avenue.

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## ARTICLE TEN IN THE LEAGUE DISCUSSED BY MR. STRAUS

Mr. Root's Alleged Changed View, America's Duty and Possibilities of Covenant Toward Peace Are Treated.

Oscar S. Straus, member of President Roosevelt's cabinet, formerly United States ambassador to Turkey, has written an article for the League of Nations, on "Mr. Root and Article X." It follows:

Whatever Mr. Root says in respect to international matters deserves commands attention and the highest respect by reason of his distinguished services and recognized skill, ability and learning. When the covenant of the league of nations was first presented by President Wilson to the plenary session of the peace conference at Paris on the 16th of February, it was published to the world for criticism. The plenary session to which the tentative covenant was presented consisted of the representatives of thirty-two nations and self-governing dominions. Thereafter the special committee on the covenant, consisting of the representatives of fourteen nations, invited the representatives of the neutral nations to present their views and criticisms. On March 31, Mr. Root, in a carefully prepared statement or letter to the chairman of the republicans, expressed his views on the covenant. In this statement I shall confine myself to his reference to article X of the covenant for this reason. That in his letter of the 21st of March he advised the retention of article X while in his recent letter, June 22, to Senator Lodge, he advises the striking out of article X. Mr. Root will agree with me that while a treaty may be accepted with reservations explanatory of the understanding of the language of clauses of the treaty, it cannot be accepted by eliminating portions of such a treaty; that such elimination amounts to a distinct amendment, and unless the amendment is adopted by all the parties that enter into the treaty, it is a rejection of the treaty by the United States. In this instance, this is emphasized by the fact that article X is perhaps the most important article of the covenant, without which the covenant would be very little more than a declaration of intent to do so.

Article X and Its Meaning.  
The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled. Unless the members of the league will undertake to protect each other against "external aggression" by each other, as well as on the part of nations not members of the league, what security will the nations have against such aggression as Germany and Austria made? Therefore, for the United States to accept the treaty on condition that this article be stricken out amounts to an affirmative rejection instead of a negative rejection.

Mr. Root does not object to our adopting the economic sanctions provided for in article XVI, by which the nations agree that if any member of the league resorts to war in disregard of its covenants it shall ipso facto be deemed to have committed an act of war against all the members of the league, who undertake to prohibit all intercourse, and, in fact, establish an economic boycott against the state breaking the covenant.

Article X does not compel us to go any further than this, provided Congress determines, as it has a full right to do, that such a boycott, if imposed and continued, will prevent threatened or put an end to external aggression, for the article provides that in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

Each League Member Free.  
In other words, the council is not permitted to prescribe, to determine, to order or direct what means shall be employed in order to fulfill the obligation, but only "shall advise." That is to say, in the final analysis each nation member of the league is free to follow that advice or adopt such other means, as provided for in article XVI, which in its judgment will be adequate to accomplish the result. The word "advise" in this article is used in the same sense as the word "recommend" is used in the second clause of article XVI, which provides: "It shall be the duty of the council in such case to recommend to the several governments concerned what effective military or naval forces the members of the league shall severally contribute to the armaments of forces to be used to protect the covenants of the league." In other words, the council does not prescribe, order or direct, but its duty only is to "recommend."

Importance of Article X.  
It will be recalled that it was precisely this sort of an agreement which Austria-Hungary refused to make regarding Serbia prior to the commencement of the war. It refused to make a declaration regarding the political independence of Serbia. Any power which would be unwilling to covenant against its own aggressions would not be a fit member of any league of nations.

It will be observed that article X is limited by the words "as against external aggression." In respect to

any other case, there is no covenant. An internal revolution may overthrow a power; a colony or province may revolt and set up a government of its own; one country may make voluntary cessions to another, but with none of these has the article any concern. For the covenant to operate there must not only be aggression, but external aggression.

The idea of a dispute in the Balkans, for example, requiring the United States to send an army to keep the peace is fantastic and far-fetched to say the least. No Balkan state nor any combination of Balkan states could withstand the economic pressure which the great powers would bring to bear, without firing a shot.

Value in Reserve Power.  
The greatest value of the covenant is its reserve power; the knowledge and fact that the states of the world are in union against a would-be aggressor will, in ninety-nine cases out of a hundred, prevent and defeat aggression, without the need of exercising that power.

From the point of view of the United States it must be remembered that the advice of the council in any particular case to use armed force must be unanimous, and as the United States is permanently represented as one of the nine powers on the council, the concurrence of the United States would be necessary before the council could give even advice in regard to the use of such war power. And even when such advice is given the war-making departments will have it in their power to decide whether the advice should be followed or not. In the case of the United States it would clearly be a question for Congress, and it would be for Congress in the extreme case to determine whether the obligation should be fulfilled by declaration of war or whether it could be effectively fulfilled otherwise.

Mr. Root's Proposal.  
Mr. Root's proposal as to reservations is one thing. His other proposal as to the elimination of article X is quite a different thing. The former may comport with the acceptance of the treaty. The latter proposition cannot so comport. It is, in fact, a rejection of the treaty, or, in other words, an acceptance of the question for Congress, and it would be for Congress in the extreme case to determine whether the obligation should be fulfilled by declaration of war or whether it could be effectively fulfilled otherwise.

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principal powers to state whether they object to the United States entering the league with such "understandings and reservations," and may I add "elimination?"

Mr. Root's proposition contained in his letter to Senator Lodge, so entirely at variance with his amendments as proposed in his letter to the chairman of the republican national committee, may temporarily serve the purpose of some of our senators who may prefer this so-called negative acceptance to an affirmative rejection of the treaty of peace. The formula only is different, the result is the same.

Amendments After Ratification.

I am sure no one appreciates more than Mr. Root that the covenant, even if all of his suggestions were capable of adoption, would as time goes on require amendment just as the Constitution of the United States and all other constitutions have required amendments to correct defects and adapt them to changed conditions. In recognition of this fact, he says in his last communication that the United States should insist upon a revision of the league covenant and that the changed circumstances will then permit material improvement.

We must not lose sight of the fact that the covenant is necessarily built upon compromises and concessions made by the several nations to achieve the great end in view, and I am quite confident in saying that all the nations recognize that the instrument is imperfect and does not fully register their separate aims and desires. It must, however, be regarded as the best common denominator of the idiosyncrasies of the thirty-two nations and self-governing dominions, including the neutral states who took part in the conference. Why should we alone be unwilling to start with this common denominator and give the covenant a chance to develop and be perfected by amendments as time runs on, as has been our own Constitution?

Might Keep U. S. From League.

Insistence upon the elimination of article X at this stage I cannot conceive to have any other effect than to prevent the United States from becoming a member of the league. Several of the foremost representatives of the great powers have expressed themselves that there can be no effective league without the United States. Our country has a long line of traditions for the settlement of international differences by peaceful means. Not to enter into the league, the main purpose of which is to substitute the arbitration of law for states that are not certainly a more direct violation of American traditions than

the dicta of the fathers regarding European entangling alliances. The league of nations can, of course, be formed without the United States and doubtless will be, as provided for by the last article of the treaty when Germany and three other powers sign, but in that event nations who would otherwise doubtless join the league will stay out and, instead of being a league of nations, it is most likely to lead to group alliances. To use a largely abused term, the psychological opportunity of translating the victory won in war into an adequate victory for a greater security for peace will be lost and ours will be the burden of responsibility for imperiling and defeating the peoples' hopes and the world's desire.

POLLARD GOES TO NEW YORK.

Former Federal Compiler Will Take Up Newspaper Work.

W. L. Pollard, former director of the purchase and storage department of the War Department, leaves today for New York city, where he will take up newspaper work with the United Publishers' Corporation. Mr. Pollard took charge of the purchase and historical branch of the War Department January 4, 1919, the task assigned to him being to compile the history and records of the office of the quartermaster general and the office of the director of purchase and storage. The results of his reports are now being used as a basis for the annual report of the quartermaster general.

EXTENDS APPOINTEES' TIME.

The War Department has extended to August 1 the date on which United States Military Academy ap-

pointees nominated to vacancies may present satisfactory educational certificates in lieu of mental examinations for admission August 6, unless their certificates are approved in time for admission on July 10.



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